



Commonwealth
of Massachusetts

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Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

Advisory Opinion

February 13, 2002

AO-02-08

Peter V. Kocot
30 Drewsen Drive
Florence, MA 01062

Re: Clean Elections Law – Applicability to Special Elections

Dear Mr. Kocot:

This letter is in response to your January 23 request for an opinion regarding the Clean Elections Law, M.G.L. c. 55A.

You have stated that the Special Election schedule for the vacant First Hampshire District state representative seat has been established. The primary will be on March 12, and the election will be on April 9, 2002.

QUESTION: Are Clean Election funds available for candidates in the April 9, 2002 special election for the First Hampshire District state representative seat?

ANSWER: No.

DISCUSSION

The Clean Elections Law provides that, for legislative candidates, the provisions of the law are effective for all “election cycles” beginning on or after November 1, 2000. See M.G.L. c. 55A, § 18. The term “election cycle” is defined in Section 1 of the Clean Elections Law as “the period beginning on the thirty-first day following a *regular* state election for that office and ending on the thirtieth day following the next state election for that office, inclusive.” (Emphasis added). For the election cycle that ends on the thirtieth day following the state election in 2002 the election cycle began on March 31, 2001. See Section 325, Chapter 159 of the Acts of 2000. Therefore, candidates seeking legislative seats through the *regular* state election in November 2002 have an election cycle, defined in the statute, which begins on March 31, 2001 and ends on December 5, 2002.

There are, however, no provisions in the Clean Elections Law specifying whether candidates in *special* elections held during the 2001-2002 election cycle may participate in the Clean Elections program.¹ The statute does not contemplate an election cycle that ends before December 5, 2002, the ending date for the first regular state election covered by the Clean Elections Law, and the absence of any provision addressing special elections before the end of the first election cycle expressly addressed by the statute indicates that persons running in special elections held before December 5, 2002 should not be the first candidates to participate in the system.

This opinion is issued within the context of the Clean Elections Law and is provided solely on the basis of representations in your letter and conversations with OCPF staff. Please contact us if you have further questions.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan
Director

MJS:gb

¹ In accordance with M.G.L. c. 55A, § 14(a)(5), this office anticipates issuing regulations governing application, certification, expenditure limits, allowable and in-kind contribution limits, and distribution of clean election funds for candidates running in special elections that take place after the November 5, 2002 general election.